



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.6740 of 2019

and

W.M.P. (MD)Nos.5397 and 5398 of 2019

B.Balakumar

... Petitioner

Vs

1.The Principal Secretary to Government,
The Government of Tamilnadu,
School Education (SE7-I) Department,
St.George Fort,
Chennai.

2.The Director of School Education,
Chennai - 600 006.

3.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound College Road,
Chennai- 600 006.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records with regard to the G.O.26/2019 dated 12.02.2019 on the file of the first respondent and quash the same.

For Petitioner : Mr.M.Vivekanandan

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner is aggrieved by the prescribing of Masters Degree for the post of Computer Instructor in Government Higher Secondary Schools. According to the petitioner, earlier the qualification that was prescribed was B.E.,Degree(Computer Science) or B.Sc.,(Computer Science) or B.C.A., or B.Sc.,(Information Technology). By the impugned G.O.(Ms)No.26, School Education (SE7-1) Department dated 12.02.2019, it has been enhanced to,



a) Post Graduate with at least 50% marks (or its equivalent) from recognized University and Bachelor of Education (B.Ed) from NCTE recognized institution

(or)

b) Post Graduate with at least 45% marks (or its equivalent) from recognized University and Bachelor of Education (B.Ed.,) from NCTE recognized institution (in accordance with the NCTE (form of application for recognition, the time limit of submission of application, determination of norms and standards for recognition of teacher education programmes and permission, to start new course of training) Regulations, 2002 notified on 13.11.2002 and NCTE (Recognition Norms and Procedure) Regulations, 2007 notified on 10.12.2007

(or)

c) Post Graduate with at least 50% marks (or its equivalent) from recognized University and B.A.Ed./ B.Sc.,Ed., from any NCTE recognized institution.

This is under challenge in this writ petition.

3. The learned counsel appearing for the petitioner reiterated the contentions set out in the affidavit filed in support of this writ petition.

4. The learned Special Government Pleader appearing for the respondents placed reliance on the decision of the Hon'ble Supreme Court reported in **2019 (2) SCC 404** in the case of **Zahoor Ahmad Rather and others Vs. Sheikh Imtiyaz Ahmad and others**. It was held as follows:

"The State as the employer is entitled to prescribe the qualifications as a condition of eligibility. It is no part of the role or function of judicial review to expand upon the ambit of the prescribed qualifications. Similarly, equivalence of a qualification is not a matter which can be determined in exercise of the power of judicial review. Whether a particular qualification should or should not be regarded as equivalent is a matter for the State, as the recruiting authority, to determine".

5. It is true that as per the notification issued in the year 2014, Bachelor degree was found to be sufficient. The petitioner is having only a BCA qualification. As a result of the enhancement of the qualification, he cannot participate in the selection process. But then, it is always open to the Recruiting Agency and the employer to prescribe the qualification. It is not for this Court to interfere with the said decision of the employer/ Recruiting Agency.



6.I find no ground to interfere. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

pnn

To

- 1.The Principal Secretary to Government,
The Government of Tamilnadu,
School Education (SE7-I) Department,
St.George Fort,
Chennai.
- 2.The Director of School Education,
Chennai - 600 006.
- 3.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound College Road,
Chennai- 600 006.

+1CC TO MR.M.VIVEKANANDAN, Advocate Sr. No.56174

W.P. (MD) No.6740 of 2019
21.03.2019

TR (23.04.2019) 3P 5C